

WAR GRAVES REGISTRATION AND ASSOCIATED MATTERS

Exchange of notes at Bucharest June 19 and 28, 1946

Entered into force June 28, 1946

61 Stat. 4042; Treaties and Other
International Acts Series 1796

The American Representative in Romania to the Minister of Foreign Affairs

THE UNITED STATES MISSION
BUCHAREST, RUMANIA

JUNE 19, 1946

SIR:

My Government desires to conclude with your Government a bilateral agreement upon war graves registration and associated matters. I am attaching a suggested text of such an agreement upon which I shall appreciate your comments. If you find this text acceptable, I suggest that the agreement can be concluded by an exchange of notes.

I desire to emphasize that it is now the intention of my Government to arrange only for the right of temporary burial, and that permanent arrangements now in existence or contemplated with regard to the establishment of cemeteries will be cancelled under instructions sent to the United States Military Representative by the United States War Department.

I shall be grateful if this matter is given your prompt consideration.

Very truly yours,

BURTON Y. BERRY
*Representative of the United States
In Rumania*

His Excellency

GHEORGHE TATARESCU
*The Royal Minister
For Foreign Affairs*

[SUGGESTED TEXT OF AGREEMENT]

"The following shall govern relative to the disposal of the remains of deceased persons who were citizens of the United States and/or who served or

who accompanied the Armed Forces of the United States and are now buried in Rumania or any possession or territory now or hereafter subject to the control of the Rumanian Government.

"1. The United States, through its duly designated representatives shall have the following rights, privileges and prerogatives:

"A. The Government of the United States shall have the right to establish and maintain such temporary cemeteries as are necessary for the burial of deceased persons subject to its control and to make exhumations therefrom for repatriation or concentration into other cemeteries abroad; and may move bodies from other countries into and/or through Rumania and its territories and possessions for interment and/or trans-shipment.

"B. The Government of the United States shall be exempt from all national, local or other laws and/or regulations relating to the permits for disinterments; sanitation, upon an assurance that such work will be conducted in a manner not detrimental to public health; and from the payment of any duties, taxes or fees of any kind whatsoever for the burial, disinterment for reburial or movement of bodies or the maintenance of graves.

"C. The Government of the United States shall have the right of free entrance and exit for all personnel, supplies, transportation (air, mail, animal, motor, and water) serving or belonging to the United States and the use of air fields or port facilities, warehousing, living quarters, office space, rail and water transportation and the right to employ labor in Rumania, its territory and possessions, essential to the accomplishment of its mission upon payment of just compensation therefor.

"D. The Government of the United States shall have the unrestricted rights of search for the remains of members of its Armed Forces and/or its citizens.

"E. The Government of the United States shall have the unrestricted right to examine and copy all records, military or civilian, which may be of assistance in locating the graves, or identifying the remains of its deceased military or civilian personnel.

"F. The Government of the United States shall have the right to question and examine citizens of Rumania and to take affidavits in furtherance of its search for, and identification of remains of members of its Armed Forces and/or its citizens.

"2. The Government of Rumania will render all possible assistance in locating and securing the effects of deceased military and civilian personnel of the United States, and upon demand and the furnishing of a proper receipt will turn over to representatives of the United States all effects so located and secured.

"3. If in the future the Government of the United States wishes to establish permanent cemeteries or erect memorials in Rumania, the Rumanian

Government will exercise its power of eminent domain to acquire title to such sites and grant to the United States the right to use therein in perpetuity upon payment by the United States of just compensation therefor. Any sites acquired including improvements thereto and buildings constructed thereon shall be exempt from any and all form of taxation, direct or indirect. The provisions of paragraphs 1A, B and C will apply for the period of the agreement, [to] the construction and maintenance of such permanent cemeteries and memorials as may be desired."

*The Secretary General of the Ministry for Foreign Affairs to the
American Representative in Romania*

[TRANSLATION]

ROYAL MINISTRY
FOR FOREIGN AFFAIRS

No. 24.152

BUCHAREST, June 28, 1946

SIR:

I have the honor to acknowledge the receipt of your letter of June 19 and of the following text proposed by you for a bilateral agreement with regard to war graves and matters relating to these graves:

[For text of agreement, see U.S. note, above.]

In answer to this letter I have the honor to inform you that the Rumanian Government accepts your proposal, that it hereby considers the bilateral agreement proposed in the foregoing terms, as definitively concluded and that it will take immediate steps for its application by its authorities in agreement with the delegate or delegates designated by you.

Very sincerely yours

B. STOICA
Ambassador
Secretary General of the
Ministry of Foreign Affairs

His Excellency

BURTON Y. BERRY

Representative of the United States in Romania